

March 6, 2014

The Common Council met as the Water Utility Board at 7:00 pm on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Jeffries, Fuelling, Hoehn, Curtis and Higgins attending. Others attending were Attorney Higgins; Supt. Gray; Chief Beloit; Chief Dixon; Comm. Dieterle; Ed Adams; Ed Clark; Nancy Sexton; Lois Gray – Posey County News; Pam Robinson – Mount Vernon Democrat; and arriving during the meeting, Supt. Givens.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Board member Curtis moved the reading of the minutes be waived and they be approved as presented. Seconded by Board member Jeffries.

Mayor Tucker asked if there was any discussion ??

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker requested action on the claims presented.

Board member Curtis moved the claims presented be allowed for payment. Seconded by Board member Jeffries.

Mayor Tucker asked if there was any discussion ??

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the report of the Water Chairman.

**Chairman Curtis** stated he has no report.

Supt. Gray stated he is glad to see the warmer weather report as they have had lots of frozen and broken meters. He then stated it has come to his attention that folks in the area run their faucets to prevent freeze ups. He added this can result in ridiculous water bills and they have seen some pretty big ones this month. A plumber to fix the problem would be cheaper than some of these bills.

Supt. Gray then stated five years ago there was an individual who left one residence and moved to a different residence – leaving a large water bill unpaid. As the water department would not let this person get water in their name again still owing a large bill, the landlord then came in and had the water turned on in his name. This individual is now asking for a leak adjustment. They said they complained to the landlord numerous times but it was never fixed, and they have documentation to back that up. He added if they made the adjustment that would bring down the bill they owe on considerably.

Attorney Higgins stated they have an ordinance they have to follow.

Supt. Givens arrived at the meeting.

Attorney Higgins stated proof of the repair is required at the time of the request.

Supt. Givens stated the landlord wasn't concerned.

Attorney Higgins stated they have to present paperwork and in this case, it may be a civil matter.

Board member Jeffries agreed.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Board ?  
Clerk-Treasurer Sitzman replied not at this time.

Mayor Tucker asked if there were any Legals ?  
Attorney Higgins she has no Legals.

Mayor Tucker asked if anyone in the Audience wished to address the Board ? He added a Mary Cox is on the Agenda for a water adjustment.

Ed Clark stated that is them and they were a victim to the frigid weather they were talking about earlier. Their pipes burst. He added the water works said they needed to come to this meeting as their bill was over \$2,000.00. He added he heard the Board's feelings on that. They have contacted water repair and turned the water off at the curb. But again, they were victims of the frigid weather.

Attorney Higgins stated according to the ordinance, they need to have proof of the repair.

Mr. Clark stated he has also contacted the insurance company.

Attorney Higgins stated the water works should have given them instructions on how to handle this adjustment, but it is a good thing that they have turned the water off. She added they will need to get a copy of the repair bill to the water office, if this is the first adjustment, and do not pay the bill. At that point, the water office can take action.

Mr. Clark stated he is still confused.

Supt. Gray stated he needs to get it fixed, bring the bills in, and don't pay the water bill. He then stated Board put a cap on what he can adjust at the office without their approval, he believes \$1,000, and this is over that amount.

Board member Jeffries stated they could approve pending documentation.

Board member Curtis stated it is the same process though.

Board member Jeffries stated they need to give Supt. Gray some leeway so they do not have to come back to another meeting, whatever is the most appropriate way.

Attorney Higgins stated they have appeared, just get in the paperwork and do not pay the bill until they are certain the leak is fixed.

Board member Curtis stated Supt. Gray can make the adjustment since they came to the meeting.

Board member Hoehn asked if they need to come back ?

Supt. Gray replied he wants permission for them to not have to do that.

Board member Hoehn moved the adjustment on 638 E Water Street be approved, pending paperwork.

Seconded by Board member Curtis.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasure with Board voting as follows:

Jeffries – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Mayor Tucker asked if anyone else in the Audience wished to address the Board ?

There was no response.

Mr. Clark left the meeting.

Mayor Tucker asked if there was any Old Business ?

There was none.

Mayor Tucker asked if there was any New Business ?

There was none.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.

Board member Hoehn moved the meeting be adjourned. Seconded by Board member Curtis. Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

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John Tucker, Mayor

ATTEST:

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Cristi L. Sitzman  
Clerk-Treasurer

The Common Council met immediately following the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Jeffries, Fuelling, Hoehn, Curtis and Higgins attending. Others attending were Attorney Higgins; Supt. Gray; Chief Beloat; Chief Dixon; Comm. Dieterle; Ed Adams; Nancy Sexton; Lois Gray – Posey County News; Pam Robinson – Mount Vernon Democrat; and Supt. Givens.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Councilman Hoehn moved the reading of the minutes be waived and they be approved as presented. Seconded by Councilman Curtis.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the reports of the Standing Committees.

**Street & Light Chairman Hoehn** stated it has been a difficult winter. The St. Comm. is new, but he thinks they are past the worst of it.

Councilman Curtis agreed.

Chairman Hoehn stated the street department did well, lots of new challenges.

Mayor Tucker asked if there were any questions ?

There were none.

**Police & Dog Chairman Jeffries** stated he has no report.

Chief Beloat stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

**Fire Chairwoman Higgins** stated she has no report.

Chief Dixon stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

**Sewer Chairman Fuelling** stated the project at E & S Housing is almost complete. They should be done tomorrow except for some work the subcontractor has to finish up.

Supt. Givens stated the lining is done and they need to finish the manholes and top hats. He added they will be done way ahead of schedule, even though today they approved a change order to extend the completion date 15 days.

Chairman Fuelling stated Layne Inliner did a good job, very professional and expert work.

Supt. Givens agreed they were impressive.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker stated they have the Financial Report before them and any questions could be directed to Clerk-Treasurer Sitzman.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Council ?

Clerk-Treasurer Sitzman replied not at this time.

Mayor Tucker stated they are now ready for the Legal portion of the Agenda.

Attorney Higgins stated the first item is the final reading on the Ordinance of Additional Appropriations in the EDIT Fund.

Councilman Curtis moved the ordinance pass on final reading. Seconded by Councilman Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Jeffries – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Clerk-Treasurer Sitzman added it will be numbered 14-4.

Attorney Higgins stated the next item is a public hearing, followed by second reading of and Ordinance of Additional Appropriations in the COIT Fund, relative to a premium reduction received by the City from their insurance carrier, Anthem.

Mayor Tucker opened the public hearing by asking if anyone in the Audience wished to address the Council in reference to the additional appropriation.

There was no response.

Mayor Tucker then closed the public hearing.

Councilman Fuelling moved the ordinance pass on second reading. Seconded by Councilwoman Higgins.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Jeffries – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Councilman Curtis moved the rules be suspended. Seconded by Councilman Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Jeffries – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Councilman Curtis moved the ordinance pass on third reading. Seconded by Councilman Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Jeffries – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Clerk-Treasurer Sitzman relied it will be numbered 14-5.

Mayor Tucker asked if anyone in the Audience wished to address the Council ?

There was no response.

Mayor Tucker asked if there was any Old Business ?

There was none.

Mayor Tucker stated under New Business is a discussion on the stop light at 4<sup>th</sup> and Walnut. He added he would like feedback from the Council. He received a letter dated January 31 from INDOT about the study they did on the light and they say it is not needed and does not meet the criteria for a traffic light. He then stated this light would not have been installed today. He added INDOT wants to remove it and it may not matter what Council asks. It is located on a state highway and they maintain it, they can remove it if they want.

Councilman Hoehn stated he would like to see it removed and further stated it should never have been put there in the first place. He added he realizes there are issues there, but with Midwest coming in there will be more traffic and it is already a nightmare at that location. He stated if by removing this light, they need another traffic study of another location in town, he is in favor of that.

Councilman Jeffries stated he is not in favor of removing it. He added once removed, there will be traffic back ups through that intersection. It is especially a weekday issue between 2:00 and 4:00pm. It will be impossible to go left, folks will have to turn right. Travelling north from Walnut won't happen. He added they so there are no wrecks at the intersection, but it is because traffic is currently being controlled. Folks will now seek other streets, areas, to travel. He continued by stating that intersection is one of only two controlled pedestrian walkways – and it is located on a state highway. He stated they want to encourage folks to go downtown, and this will be counter intuitive. He added once there is a by-pass, he may feel differently.

Councilman Curtis stated he agrees with Councilman Jeffries, though with mixed emotions. There are problems there now and moving the traffic will only cause accidents at other intersections, like 3<sup>rd</sup> and Walnut, where there are already vision issues. He stated the critical times for congestion are 6:30 to 8:30 am and 2:00 to 4:00 pm, this is when the light is needed the most. Maybe a flashing yellow light would be the answer.

Councilman Fuelling stated he believes they should get rid of it, at least that is his first impression.

Most people avoid that intersection anyway. He then stated he thought INDOT were the ones that told the city there needed to be a light there. It may be a mute point. If INDOT doesn't want to spend the money to maintain it, they will remove it. He would like to see it removed.

Councilwoman Higgins stated there are two sides to this. There are traffic pile ups, especially going west between 3:20 and 4:20 pm. There needs to be a light there while they wait for the by-pass. She added what she would really like to see is a green turn arrow on Main Street going west.

Mayor Tucker stated he will contact INDOT and let them know there are mixed feelings on the issue.

Councilman Curtis stated there are not a lot of wrecks there or at 4<sup>th</sup> and Main, but if the light is gone and semis are on 4<sup>th</sup> headed west going 30 to 35 mph, if there is one, it could be a bad one.

Councilwoman Higgins questioned Chief Beloit.

Chief Beloit stated he agrees with Councilmen Jeffries and Curtis, it helps alleviate truck traffic, and once it is gone, it is gone, and they will not get it back. He stated over a six year period, there were three to four accidents there each year, it is considered a moderate intersection. He then stated again, once removed there will only be one protected pedestrian crossing, and there are already issues with people trying to cross 4<sup>th</sup> Street on foot – especially down by McDonalds. Councilwoman Higgins added that the Azalea Trail also uses that intersection. Mayor Tucker agreed. He then stated he will contact INDOT, but again, they will do what they want.

Mayor Tucker stated they will now hear the reports of the Districts.

**1<sup>st</sup> District Councilman Jeffries** stated he has no report.

**2<sup>nd</sup> District Councilman Fuelling** stated he has no report.

**3<sup>rd</sup> District Councilman Hoehn** stated he has no report.

**4<sup>th</sup> District Councilman Curtis** he has no report.

**Councilwoman-at-Large Higgins** stated she has no report.

Mayor Tucker stated today the Board of Works voted to contact BLA to proceed with a letter to SRF on the funding of the eastside sewer project. Councilman Hoehn replied that is great.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn. Councilman Hoehn moved the meeting be adjourned. Seconded by Councilman Jeffries. Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

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John Tucker, Mayor

ATTEST:

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Cristi L. Sitzman  
Clerk-Treasurer